

Organising at Work

**A TUC guide for trade union activists on how
to build and maintain strong workplace
unions**

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Section One

Introduction

Union reps are the best of the trade union movement. Every day, in thousands of workplaces, they provide individual and collective support to their colleagues on a range of issues.

They provide advice and guidance on employment rights and other terms and conditions; they represent members in disciplinary and grievance cases; they make workplaces safer; they provide opportunities for learning and skills development; they are advocates for equality.

The job of a workplace union representative has never been more important. The seemingly constant pace of change places pressure on working people which in turn, increases the demand on reps for support, advice and individual and collective representation.

All too often, in workplaces across all sectors of the economy, the job of maintaining the relevance and profile of the union and representing members falls on our movement's army of dedicated trade union activists and workplace reps.

The pressures that our reps face can have an impact on the types of activity the union is able to undertake with, and on behalf of, members. Too often, reps find themselves 'fighting fires', reacting to employer actions and spending most of their time representing individual members in disciplinary and grievance hearings. This can reduce the amount of time available to attend to the important task of building and

maintaining the strength of the union; running campaigns, recruiting new members and finding new reps and activists.

Finding the next generation of reps is particularly important as recently published research found that more than half of senior union reps – those that meet managers to represent members – are aged 50 and over. This means that if we want to maintain and improve our ability to represent members then the job of finding new reps must be stepped up now.

This needn't be a difficult task. There are things that we can do to encourage more people to not just join the union but to join in as well; to see the union not as a third-party organisation that solves problems for them, but as something that gives them a collective voice and the ability to influence what happens at work.

Organising at Work is for unions reps and activists who want to maintain and build unions strength and effectiveness.

Section Two

The organised workplace

What is organising?

When we talk about an organised workplace we mean a workplace where;

- the union draws its strength from not just the number of members it has, but also the number of reps and activists;
- the union campaigns on issues that members care about and seeks to involve them in campaign activity;
- a union that reflects the diversity of the workers amongst its membership and activists.

Three organising fundamentals;

- The strength of the union is built on high levels of membership and activity
- Members are encouraged to work collectively and have the chance to campaign together on issues that they care about
- Paid officers provide support, advice and leadership to assist members to win in their workplace

▣ FIVE INDICATORS OF AN ORGANISED WORKPLACE

1. *There is a high level of union membership and activity*
2. *There are reps in all areas of the workplace, they are well trained and have enough time off*
3. *Meetings are well attended*
4. *Members prioritise and are involved in branch activity*
5. *The union communicates with members regularly using a variety of techniques*

Section Three

Getting to know your workplace

The importance of planning

We might think that planning is only done by unions at a national or regional level. Yet it's just as vital for union reps wanting to build a stronger workplace union.

Given the pressures on their time that reps already manage, setting aside time for planning might appear a luxury. But if we are serious about our organising then just some basic planning can help us in the long term.

Planning can help us to;

- Assess the strengths and weaknesses of the union
- Establish what we need to do to strengthen the union
- Decide how we can achieve these goals and measure our progress towards them

The plan that we come up with can be used as a compass for the direction in which we want to take the union.

■ SEVEN STAGES OF PLANNING

1. *Create a map of your workplace and keep it updated*
2. *Create a profile of your members, potential members and activists*
3. *Identify strengths and weaknesses of your unions organisation*
4. *Decide on your aims and objectives*
5. *Decide who will do what and allocate resources*
6. *Implement your plan*
7. *Evaluate and review it*

An introduction to mapping

Mapping is the process of creating a picture of the workplace or branch that we are organising.

Mapping is an essential part of any organising effort as it provides information that will enable you to create an effective organising and campaign plan. Your map can be used for many purposes;

Recruitment campaigns – Using the map to identify areas of the workplace or branch where there are low numbers of members can help in making sure that resources are used most effectively. If the map also contains information on the issues that members care about we will be able to make sure the messages that we send to workers are relevant.

Communication networks – An organised workplace is one where there is regular and effective two-way communication between members and their reps. A workplace map can be used to develop a communications network that can be used to not just tell members what the union is doing, but also make sure that the union can pick up valuable information about what members and non-members think and feel about what's happening at work.

Running campaigns – By including information on key workplace issues in the map, the union can decide which issues to run campaigns around. These can be issues to target new members, or more widely felt issues that might build activism.

Mapping isn't a task that you should do alone – in fact it's a great way to get people to 'do something union'. But the very fact that you are out there mapping as a union

team, talking to people, seeking information and asking their opinions means you'll have started your organising effort.

What information to collect

The only restriction on what information you might include in your map is that it should be kept to what will be useful in helping you build the union and/or run a campaign. That said, most useful maps will contain all the following;

- Numbers of workers in each area of the workplace (including gender, race, age etc.)
- Working patterns and employment type (full/part time, permanent, contract etc.)
- Job role
- Number of members and non-members in each area of the workplace
- Information on numbers and location of reps

The information that you include in your workplace map can be kept in whatever format works best for those who are using it, but you should make sure that whatever system you use is accessible, easy to update and easy to analyse.

Building a membership profile

If we are serious about engaging with members and potential members, we need to make sure we know as much about them as possible. What are the things that are influencing their decision to join the union (or not) or become more active if they're already a member? Are there any identifiable differences between the profile of members and non-members or between members and activists?

Be sure that you identify and pay attention to any underrepresented groups amongst your members. You may need to make a

special effort to engage with them to gain an understanding of what barriers might stand in their way of getting active and how together you might remove them.

Building a membership profile can inform how you approach the task of recruiting new members and finding new activists.

Information that you might include in an effective membership profile would be;

- Gender
- Age
- Ethnicity
- Childcare responsibilities
- Working patterns
- Employment status
- Information on workers with disabilities
- The jobs that workers do

This information can be kept separately or added to your workplace map.

WARNING – When collecting and storing information make sure that you are aware of, and comply with, the appropriate Data Protection legislation

Identifying your organising challenge

Of course, maps and plans aren't produced just for the sake of finding out what's happening in the workplace. They are important tools that can help us to prioritise activity and get the most out of the resources we have available.

When you analyse your map, the following questions should assist you to identify the things to prioritise;

- Where are there low levels of membership?
- How many reps are there and where are they based?
- Does the profile of the members/activists match that of the workforce (are there any underrepresented groups)?
- Is membership spread evenly across the workplace/company or is it concentrated in a few areas?
- Are there significant numbers of part time, contract staff or others on zero hours contracts?

Once you have a clear understanding of the current strengths and weaknesses of the unions' organisation, you can decide what your aims and objectives are going to be.

Using resources

As you start to implement your campaign you will need to think about the resources that you have available. Don't just think of the obvious resources such as how much money is in the branch account, there are other less obvious resources that can be used to build the union.

- People – reps and members
- Facility time and facilities such as phones, access to email and meeting rooms
- Printing and distribution
- National and regional union resources

Section Four

An active member union

The importance of doing something ‘union’

Everyone wants and deserves to be treated fairly at work but union reps know all too well that this isn't always the case.

Although they might not say it openly, workers can feel powerless when they are threatened or when it comes to bringing about the changes that they would like to see at work.

When we sign people up to the union and encourage them to join in with union activity, we want them to see this as a way of making their working life better and as a way of giving them a collective voice.

Signing up new members

The way that we sign up new members to the union can have an impact on their perception of what the union is and their relationship with it.

If we sell union membership just as an insurance policy then we perhaps shouldn't be surprised if we then find it more difficult to get members involved in union activity. This is because we won't have established any link between membership, activity and the strength of the union in the workplace.

If we take time to think properly about how we describe the union when we are first

speaking to workers about it, we can increase the chances of shortening the journey between signing up and activity.

And if we take time to engage with workers in a way that allows us to find something out about them as individuals – their hopes, fears, values and issues – then we can create a picture of the union (and union activity) that will be more relevant to them.

Bear in mind that some potential members might feel more comfortable talking to people who are like them. As such reps may need to step outside of their comfort zone to make sure they're approaching all staff. Also remember that young workers may not know what trade unions are – but that doesn't mean they won't be interested if who we are and what they do is explained to them in terms that they can relate to.

Could also talk about identifying and removing barriers to joining such as perceptions of what unions are/aren't, unions not feeling inclusive etc.

Doing something union – getting people involved

Once someone has joined the union we need to make sure that they have

as many opportunities as possible for them to join in the life of the union in the workplace.

If they have joined as part of a union campaign on an issue they care about, then getting them to 'do something union' might be easier. Whatever the context, here are a few simple rules to follow;

- Don't be afraid to ask. The reason most workers aren't in a union is because no one has ever asked them to join and that is almost certainly the case in relation to members becoming activists.
- Be realistic. If you speak with, and listen to, the member you'll be able to suggest an activity that's realistic and therefore one they're more likely to agree to do.
- If they say no, don't push them. Take the opportunity to explore the reason why they are reluctant to get involved.

What can members do?

When we think of all the jobs that need to be done to make sure that the union is an effective collective voice for members, there are lots of things that members can do.

The good news is that most of these do not require any formal training or even huge amounts of time. Despite this, they are all valuable tasks and most importantly can start members on the journey to becoming a fully-fledged activist.

Here is a short list of just some of the things that members might be asked to do;

- Distribute union literature
- Provide information for the workplace map
- Ask their friends and colleagues what they think about an issue
- Tell others about what the union is doing
- Ask colleagues to respond to a union survey
- Keep a notice board up to date

- Bring a friend to a meeting
- Ask someone to join the union

How to encourage members to volunteer

Few people will volunteer to help totally unprompted. This doesn't mean that people aren't willing to help – it's just that most people wait to be asked. Asking people builds activity and activity builds commitment and effectiveness. So;

- As far as possible, ask in person
- Be clear about what you want them to do
- Make it clear how the task supports the union or a campaign
- Let people know that you are looking for volunteers
- Be enthusiastic about the importance of the work

In the process of asking people to do something union you will certainly come across lots of people who for one reason or another are reluctant to get involved. For this reason, it's worth trying to understand what factors are likely to prevent people getting involved – and what might motivate them to get active.

Meetings

Meetings obviously play an important part in the life of unions. Whilst they are a necessary part of how unions operate, to members they can appear impenetrable and all too often most members take no part in them. For those that do attend, the format of meetings and the jargon that is often used, usually without any explanation, can be alienating.

After attending a meeting for the first time (the first step for many members in getting more active) too many are put off and the chance to involve new activists is wasted.

It is of course possible to break out of this cycle by reviewing how we organize meetings in the workplace. Of course, the formal meetings that the union's rules and internal democracy require us to have will carry on, but even these can be changed to make them more relevant and welcoming.

In your review of the meetings that take place in your workplace and branch you may wish to consider the following;

Relevance – Make as many meetings as possible directly relevant to as many members as possible. Put issues that members and potential members care about on the agenda and make sure there is time for these to be discussed. Think about putting your meetings into the following categories and decide which are going to be most interesting and relevant for members to attend;

- **Administrative** – Meetings where you look after the running of the branch such as membership and accounts.
- **Networking** – Meetings where you bring reps and/or members together to discuss issues in the workplace.
- **Campaigning** – Meetings specifically related to an on-going campaign affecting the workplace where workplace union leaders would be reporting back to, or getting feedback from, members.

Publicity – Advertise the meeting as widely as possible (use your workplace map for this) and make the language you use inclusive and welcoming.

Format – If it's a meeting that members will be attending to discuss an issue then take this first before moving onto stuff like the minutes of the last meeting and matters arising. Try to make meetings livelier by inviting guest speakers and holding open discussion sessions. Think about holding quick informal briefings and feedback sessions for small groups of members.

Issues – Hold meetings that are specific to one or two live issues in the branch and workplace. Advertise them in such a way that tells members and potential members that it's a chance to hear up to date information or just as importantly have their say on what the union should be doing.

Time and place – If over time meetings are attended by the same activists and members then there is a danger that the times and places meetings are held are those that suit the regular attendees.

To increase membership and participation, think about the members you are trying to communicate with and think about what might be convenient for them. Consider members who work part-time, access arrangements for members with disabilities and those with childcare and other responsibilities outside work.

Section Five

Campaigning

Why campaigning is important

Through the campaigns that we run, unions become a more visible and active part of the workplace. Campaigns can help improve perceptions of the union's relevance amongst all workers whether they are members or not. They can be built around issues that affect everyone in the workplace or those that only have an impact on smaller groups. The benefits of running campaigns can be summarised as follows;

- They make the union visible
- They make the union relevant
- They create opportunities for activism
- They build a sense of collectivism
- They demonstrate that by working together members can change things

Choosing the right issues

We need to make sure that the issues we choose to run campaigns on are relevant to a significant number of workers.

If we choose issues that are important to people, we will increase the chances of overcoming any apathy or fear about joining the union or getting more involved. You can also use issue choice to signal to groups who are underrepresented in the membership that you're there for them

The widely felt, deeply felt and winnable test can help us choose the right issues.

Widely felt – does the issue have an impact on enough workers?

Deeply felt - Do the workers care enough about the issue that they might be prepared to get involved in the campaign?

Winnable – Is there a realistic chance of us getting what we want?

We can discover what issues might be suitable to run campaigns around and test the strength of feeling about an issue through talking and listening to people one on one, using surveys, at meetings or by including issues in the information that we include in our workplace map.

What makes an effective campaign?

Once again, a little planning at the start of the campaign can increase the chances of making it more effective. When creating your campaign plan, you should think of the following;

The objective/s – what is it you want to achieve?

- The target – who is it who can give us what we want?

- The actions – what will we do to put pressure on the campaign target and how will we involve members?

The following key elements will help you to both plan and roll out your campaign in a way that increases the chances of it being successful;

Build the campaign by:

- Developing a campaign plan that includes the following;
 - the objectives of the campaign
 - the target of the campaign
 - the resources needed
 - the involvement of members
 - contingency planning
- Speaking to workers to find out about issues in the workplace and how concerned people are about them.
- Following up interest from potential members and existing members who may want to join the union and help with the campaign.

Develop and maintain good communication with workers by;

- understanding where members are coming from and why they may be resistant to joining the union or getting involved in the campaign
- varying the messages and methods that you use to communicate with workers
- responding to what you hear and learn from workers.

Develop and sustain involvement of members by;

- creating as many ways as possible for members to help with the campaign
- at the beginning, giving new activists small tasks to do initially but increasing the size and importance of these as they grow in experience and confidence
- setting up informal networks of members that give them a say in how the campaign develops.

Evaluate your campaign by;

- reviewing progress against your objectives as you go along
- being honest about what worked and what didn't
- continuing to listen to the views of members and potential members about the union.

Section Six

Communicating with workers

The importance of good communication

How we communicate with members is important because it will have a strong bearing on their perceptions of the union – its role, its relevance and its effectiveness. It is important to get the balance right.

Members will obviously want to hear from the union about what it's doing, but it's also important to give members the opportunity to communicate with the union.

It's important for the union to hear from members about what's going on in the workplace generally rather than just from individual members when they have an issue they want the union to help them with.

To make communication in the workplace effective you will need to consider the context within which your communication is taking place: who you are trying to reach and the most appropriate form of communication depending on the circumstances.

Who are you communicating with?

In the same way that we need to be aware of the types of communication we use, you also need to consider who you are communicating with, i.e. who is your audience?

Given the circumstances, your audience may be made up from one or a combination of the following:

- members
- potential members
- activists
- management/employers
- the public.

Once you have established who you want to reach, and in what circumstances, you will be better placed to decide on the most appropriate method and language.

The right communication at the right time!

Not every form of communication suits every circumstance. Sometimes, for example during a round of negotiations, information needs to be distributed widely and quickly.

On other occasions the priority will be to gather information from members either collectively or individually, such as during the process of recruiting members or establishing the issues that members in the workplace are most concerned about.

Using the right language

Using the right language can be vital in ensuring that our communication with workers is effective. This is important

regardless of whether communication is written or verbal.

Written communication

A great deal of the written communication that unions produce is often aimed at potential members and current members who will have a range of knowledge about the union, how it works and what it is doing with and on behalf of members.

It is important, therefore, that when we are writing newsletters, leaflets, flyers and email circulars we use language that is understandable, accessible and doesn't unnecessarily alienate people. The following will help you improve your written communications;

- Avoid the use of jargon, acronyms or dense wording.
- Make the leaflet or newsletter short, snappy and informative – it's better to have a one- or two-page newsletter that comes out every couple of weeks than a 10-page one that comes out only once or twice per year!
- Deliver as much of your written communication as possible by hand to increase opportunities to speak with people face to face.
- Make the headline on the newsletter or leaflet about the main issue at work.
- Always include reps contact details and if possible a membership form.
- Think about where your audience will read the leaflet/newsletter and how much time they might have.
- Avoid assuming that every member of your audience will have knowledge of the history of issues and events in the union.
- Consider using two different methods of communication for the same issue if you need to target different groups. For

example, a leaflet on pensions might require a different angle for younger workers than for members nearing their retirement.

- Don't restrict your written communications to members. As far as possible let potential members know what the union is doing.
- Be aware of equality considerations! Not all your members may have English as their first language and others might have difficulty with written or spoken English. Some of your members may be disabled. All members have a right to expect their union to meet their communication needs.

Communicating one on one

Talking to workers and members about their hopes, fears, cares and concerns in the workplace is already something that most union reps do. Often this is done during the working day along with other subjects such as family, friends, football and what was on TV.

Union reps can take advantage of this if they see this communication as part of the effort to develop the relationship between workers and the union, establish and change perceptions and get people to sign up.

The objectives of each one-to-one contact will depend on the circumstance and might include:

- learning something about the worker
- asking if they have any cares and concerns
- finding out their opinion on an issue
- building a relationship with them
- getting them to join the union
- asking them to 'do something union'.

To do this effectively there are a few simple rules that will make one-to-one communication with members more effective.

1. *Don't try and sell the union* – Think about how you react when a salesperson contacts you and gives you a list of reasons why you should buy a product. Most often in such situations people become defensive, think of as many reasons as they can why they don't need whatever it is they are being offered and try and get out of the situation as soon as possible.

In any case, the reasons you list might not be relevant to the person you are talking to and telling people that they can't look after themselves is not something many people want to hear.

It's much better to have a conversation with a person that lets them draw their own conclusion that joining the union or getting involved is the right thing to do. To do this we need to make sure that we listen to them

2. *Listen actively* – It's not surprising that most people prefer to talk with someone who shows an interest in what they are saying. Only by listening to people properly will we find out what they know/think about unions and any issues that they care about.

Listening actively doesn't of course mean remaining silent. You will demonstrate that you are listening to the person by how you respond to what they say and in the types of questions that you ask them.

Listening to members also earns us the right to tell them something

about the union – obviously this will be information that is relevant to what we have learnt about them.

3. *Ask the right questions* – This is important because it demonstrates that you have listened to the person and because it provides the opportunity to find out more about them.

Obviously, some questions are better than others depending on the circumstances.

'Closed questions' – those that can be answered with a 'yes' or a 'no' – run the risk of shutting down a conversation. Asking too many can make the conversation look more like an interrogation.

However, the time will come when you might have to ask such a question – e.g. 'do you want to join the union?' or "will you help?" Remember, however, that a negative answer will leave you little room for manoeuvre so it's important to ask 'closed questions' at the right time.

'Open questions' are those that promote discussion and encourage people to share their thoughts and opinions. These are obviously useful in getting more information about or from a person – examples of 'open questions' are "how do you feel about working here?" and "what is your view of unions?"

A simple summary of open questions is that they are most often how/why/what/when/who questions.

If your one on one conversation has been used to develop a relationship with the member and listen to their cares and concerns, it might be possible to suggest

action to them that fits with how they see the union or feel about an issue.

Once again, it is important that this opportunity to 'educate' them should not take the form of a speech or sales pitch. The education should be about them realising that joining the union or taking part in a campaign is a way of them influencing their working life for the better – that the union is all about workers coming together to have the power to win changes and resolve issues that affect everybody.

Section Seven

Building the organising team

Efforts to build the strength and effectiveness of the union in the workplace can't be left to one person. We have already considered in Section 4 how we might get members more involved in union activity.

In this section we will look at how to build organising teams and how other representative roles can contribute to building an organised workplace.

Who might be in the team?

An organising team is not necessarily a fixed group of people employed by, or members of, the union – though this may be your core group.

A typical team might consist of:

- yourself
- other union representatives in the workplace
- members
- union officers or organisers.

Members of the team will probably come and go at different stages of any organising campaign. The most successful organising teams are loose and flexible, but clear about their goal.

Making the organising team work

In making sure that the team works effectively, it is important to consider the context that the team is operating in. When

running an organising campaign you will need to work out how best to co-ordinate the efforts and activities of both the team and any wider groups of individuals who may be assisting you.

It may be useful to bear the following points in mind.

- It is likely that that not every member of your team will have daily face to face contact with each other. This means that attention will have to be paid to making sure that a good communication system is in place between all members of the team to keep everybody in the loop.
- Most of your team may well be volunteers. Those outside the workplace who are involved may also have a wider set of aims. Make sure everyone is committed to a clear agenda.
- Show leadership! There's no harm in having someone leading the organising effort from whom others can draw advice, support and inspiration.

Section Eight

Having the time to build the workplace union

Union reps have had a right to reasonable paid time off to carry out union duties and undertake training since 1975. They have also had the right to reasonable unpaid time off to undertake union activities. There are separate regulations covering union health and safety representatives and workplace representatives. We will look at the definitions of union 'duties' and 'activities' further on in this section.

The information below is intended only as a summary and we recommend that reps read the full ACAS Code.

ACAS Code of Practice

The most recent guidance for unions and employers on facility time was published in the January 2010 edition of the ACAS Code of Practice on Time off for Trade Union Duties and Activities. The Code includes guidance on;

- Time off for duties and activities
- Time off for training
- Responsibilities of employers
- Agreements on time off
- Resolving disputes

▣ POSITIVE BENEFITS

*The ACAS Code says that there are 'positive **benefits** for employers...in encouraging the efficient performance of union reps work. To perform effectively, union reps need to have reasonable paid time off from their normal job...'*

Duties and activities

- Perhaps the most important distinction made in the Code is the right to paid and unpaid time off depending on whether reps are undertaking union duties or activities.
- In short, reps have a right to paid time off for duties but not for trade union activities. The ACAS Code provides comprehensive guidance on what constitutes trade union duties and activities however this can be summarised as follows;

Duties

The ACAS Code provides the following examples of union duties for which union

reps should be given paid time off (you should refer to Section 1 of the Code for a full description);

- Terms and conditions of employment such as pay, hours of work, holidays, sick pay, pensions, learning & training, equality issues, notice periods, working environment etc.
- Matters relating to the engagement, suspension or termination of employment such as recruitment procedures, redundancy and dismissal arrangements.
- Allocation of work or employment duties such as job evaluation and grading, job descriptions, flexible working and work-life balance
- Disciplinary matters such as disciplinary procedures, representing or accompanying employees at internal interviews
- Union membership such as any union involvement in the induction of new workers
- Negotiation and consultation such as collective bargaining at the employer or multi-employer level, grievance procedures, joint consultation and communicating with members, other union reps and union officers.

Health and Safety Reps

There are separate regulations for union health and safety representatives. These are the Safety Representatives and Safety Committee Regulations 1977. Unlike the situation for most other representatives, safety representatives have functions rather than duties.

According to regulation 4(2)(a), employers are required to allow union health and safety reps paid time, as is necessary, during working hours to perform their functions.

These functions include investigating potential hazards, incidents or complaints; doing inspections of the workplace; making representations to the employer on any health or safety matter; representing employees, receiving information; and attending meetings of safety committees.

There is no limit to the amount of time that can be taken and it is likely that it will vary considerably depending on the workplace. They may also need more time following an incident at work or if new safety procedures are being carried out.

Union health and safety representatives are also different from other union representatives in that they can represent all employees in the workplace, not just union members.

Further advice on the provisions for health and safety representatives is provided by the Health and Safety Executive in its approved Code and Guidance 'Consulting workers on Health and Safety'.

Union Learning Reps

Employees who are members of an independent trade union recognised by the employer can take reasonable time off to undertake the duties of a Union Learning Rep (ULR). To qualify for paid time off the member must be sufficiently trained either at the time their union notifies the employer that they are a ULR or within 6 months of that date.

ULRs are allowed time off to carry out the following functions:

- Analysing learning or training needs
- Providing information and advice about learning
- Arranging learning or training
- Promoting the value of learning or training

- Consulting the employer about carrying on any such activities
- Preparation to carry out any of the above activities
- Undergoing relevant training

Time off for training

The ACAS Code emphasises that training is important for union reps to enable them to carry out their duties and that it should be available to both new and experienced reps.

Representatives of a union recognised by the employer should be allowed reasonable paid time off to undergo training in aspects of industrial relations activities relevant to the trade union duties that they carry out.

The Code gives the following examples of relevant training;

- Developing the skills of reps in representation, accompaniment, negotiation and consultation
- Further training for reps with special responsibilities such as collective redundancy or transfer of undertakings
- Training that updates union reps on issues reflecting the developing needs of the members that they represent
- Training to help reps negotiate on significant changes to the organisation of work

- Training where a change in the law might affect the conduct of industrial relations
- Training where union reps accompany members in grievance and disciplinary hearings
- Health and safety representatives are entitled to paid time off for any training that is considered reasonable to help them carry out their functions.
- The guidance on paid time off for training in the ACAS Code also covers time off for training for union learning reps.

Activities

As mentioned earlier there is no reference in the Code to paid time off for union activities and as such there is no entitlement. This doesn't mean that it's not possible to negotiate paid time off but employers are under no legal obligation to provide it. Of course, recent developments in the civil service and public sector have made negotiating paid time off for union activities more difficult.

The ACAS Code provides the following examples of trade union activities (you should refer to Section 3 of the Code for a full description):

- Attending workplace meetings to discuss and vote on the outcome of meetings with the employer
- Meeting full-time officers to discuss issues relevant to the workplace

- Voting in union elections
- Accessing services provided by union learning reps.

Examples of activities in the Code that might specifically apply to union reps are;

- Taking part in branch, area or regional meetings to discuss union business
- Attending meetings of union policy making bodies such as executive committees and the annual conference
- Meetings with full time officers to discuss issues relevant to the workplace.

Tips for reps

It is important that reps remember:

- ☑ That the ACAS Code sets out the **minimum** obligations on employers not the maximum. Unions will, and should, always try to negotiate significantly better facilities for reps than those set out in the ACAS Code.
- ☑ That employers cannot restrict the time that health and safety representatives need to undertake their functions.
- ☑ That the Code provides useful guidance on time off agreements and how disputes on facility time might be resolved.

Finally, reps should consider the policies of their own union on facility time, including existing agreements and best practice

▣ THE 'REASONABLE' TEST

*Whilst there are numerous references in the ACAS Code to 'reasonable' time off in relation to **paid** time for union duties, the ACAS Code provides no guidance or what might be regarded as reasonable.*

The view of the TUC is that, particularly in relation to union duties that involve negotiating with employers on matters that they bring to the table and representing members in disciplinary and grievances, the definition of reasonable should be what is required under the circumstances to allow reps to adequately represent members.

It follows that if limits on paid time off for duties were applied the ability of reps to represent and support our members would be restricted.

For this reason, the TUC believes there should be no limit on the amount of paid time off for union duties.

Using facility time effectively

Despite government attempts to restrict the amount of facility time available and what it can be used for, many union branches in the public and private sector have used the strength of the union's membership and its expertise at the bargaining table to negotiate facility agreements that allow reps to represent members and continue to build the union.

In this final section of the guide we will look at how to ensure that facility agreements are fit for purpose and the steps that can be taken to improve them.

A key resource

Each year at every union conference the Treasurer presents the union's accounts. Included in the report is a balance sheet that shows all the union's resources; how much money it has, the buildings it owns, its income from investments, its staff costs etc.

However, what is missing from this inventory is the one resource that enables the union to be effective where it matters most, in the workplace.

Because we negotiate facility time from employers it's easy to forget that it is just as much a union resource as the income from subs, the buildings we own and the staff that we employ.

Treating facility time as a key union resource – albeit an 'off-balance sheet' one – can help reps to make sure we have enough and to use what we have effectively.

How much time do you need?

There will be several things to consider when thinking about how much time you will need. Some of the most obvious are;

- The size of the workplace/company
- The number of employees/members
- The organisation of the workplace – departments/shift patterns
- The physical environment
- The number of reps you have or need.

In addition to these you might also think about:

- The level and regularity of negotiations that take place between reps and employers at the workplace
- The range of representative duties and activities that need to be covered by the reps' team – such as, skills, equality etc.
- The range of issues raised by members
- The training needs of reps
- Current or potential issues that might make particularly heavy demands on the time of reps.

Reviewing existing agreements

Up until recently many facility agreements, particularly in the public sector, were longstanding and hadn't been reviewed or updated for some time.

But it's always advisable to check if your agreement is fit for purpose and is allowing the union to do its job.

The following checklist will help you to do a quick review of your existing agreement:

- Are the current arrangements in writing or based on verbal understandings with managers?

- How much time does the union currently have?
- Is the allocation given to individual reps based on their position/role or does the branch allocate the time?
- Is the time taken by health and safety representatives to perform their functions separate from facility time and are all health and safety representatives able to take as much time as they require when they require it?
- Does the employer set a ratio of reps to members?
- What trade union duties are covered?
- Is there any paid time off allowed for activities?
- Are members allowed to access the services and support provided by their union reps?
- Are reps able to take their facility time or is workload or lack of cover preventing them?
- Does the union have access to office space and office equipment?
- What procedures are in place to deal with disputes?
- Consider the current organisational strength of the union – members, density, reps.
- Ensure that the proposals reflect the best practice in the ACAS Code. But remember that they are legal minimums.

Improving agreements

Once you've reviewed your agreement you may well decide that some changes are required.

When you're developing your proposals for a revised agreement you might want to consider the following:

- Keep in mind that the agreement should have two aims; to enable you to represent members (individually and collectively) and to build and strengthen the union.

Find out more

For more information about the TUC support for building stronger unions go to:
tuc.org.uk/research-analysis/union-organising
tuceducation.org.uk